



512/474-5201  
FACSIMILE: 512/536-4598

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1636

June 8, 2001

FILE: INRP:087

10012509

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on the date below:	
June 8, 2001 Date	 Gina N. Shishima

Commissioner for Patents  
Washington, DC 20231

RE: SN 09/413,109 "METHODS FOR THE ADMINISTRATION OF ADENOVIRUS P53  
(AS AMENDED)" - by Zhang, et al (MDA90-002)

Commissioner:

Enclosed for filing in the above-referenced patent application is:

- (1) A Response to Office Action dated May 14, 2001;
- (2) A return postcard to acknowledge receipt of these materials. Please date stamp and mail this postcard.

Should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct said fees from Fulbright & Jaworski L.L.P. Account No.: 50-1212/10012509/GNS.

Respectfully submitted,

Gina N. Shishima  
Reg. No. 45,104

:lb

Encl.: As stated



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*[Signature]*  
Gina N. Shishima

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Zhang, et al

Serial No.: 09/413,019

Filed: October 6, 1999

For: METHODS FOR THE  
ADMINISTRATION OF ADENOVIRUS  
P53

Group Art Unit: 1636

Examiner: Guzo, D.

Atty. Dkt. No.: INRP:087

**RESPONSE TO OFFICE ACTION DATED MAY 14, 2001**

Commissioner for Patents  
Washington, D.C. 20231

Commissioner:

This paper is submitted in response to the Office Action dated May 14, 2001 for which the one-month date for response is June 14, 2001.

It is believed that no fee is due; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason, the Commissioner is authorized to deduct said fees from Fulbright & Jaworski L.L.P. Account No.: 50-1212/10012509/GNS.

Reconsideration of the application is respectfully requested.

## **I. RESPONSE TO OFFICE ACTION**

The Office Action dated May 14, 2001 indicated that the Applicants did not respond fully to the previous Office Action in their response filed on March 8, 2001.

In response to the Office Action dated May 14, 2001, Applicants' representative do not deny they did not address the provisional double patenting rejection. Instead, however, Applicants indicate that they will address the substance of this rejection at a later date as the rejection was merely a *provisional* rejection since the grounds for the rejection are two patent applications, not issued patents. According to the MPEP § 804 (I)(B), a provisional rejection must be withdrawn if the claims are otherwise allowable. In this case Applicants would prefer to address the non-provisional rejections in this case while considering a course of action with respect to any double patenting issue. Applicants believe one of the purposes of the provisional double patenting rejection is for its notice function for the applicant, so they can plan and proceed accordingly.

Applicants believe that the foregoing remarks in conjunction with the Response to Office Action dated September 8, 2000 fully respond to all outstanding matters for this application. Applicants respectfully request that the rejections of all claims be withdrawn so they may pass to issuance.

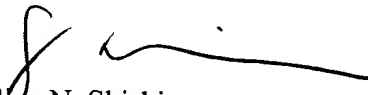
Should the Examiner desire to sustain any of the rejections discussed in relation to this Response, the courtesy of a telephonic conference between the Examiner, the Examiner's supervisor, and the undersigned attorney at 512-536-3081 is respectfully requested.



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Date: June 8, 2001

Respectfully submitted,

  
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